

***Cary Brett Berman
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United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
Attn: TTAB
PO Box 1451
Arlington, Va. 22313-1451

July 19, 2007

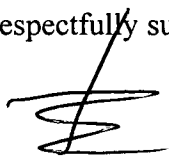
In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

Dear Sir/Madam:

Enclosed for filing in the above captioned matter are the original and one copy of the following:

1. Applicant's Motion to Allow New Information

Respectfully submitted,



Cary Berman

CC: Kieran Doyle
Cowan, Liebowitz & Latman, P.C.

07-23-2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
(610) 227-5600

L. C. Licensing, Inc.

Opposer,

v.

CARY B. BERMAN

Applicant

Opposition No. 91162330
Serial No. 78320850

**Applicants Motion to Allow New
Information**

In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

Applicant, representing himself pro se submits this Motion to Allow New Information on July 19, 2007.

The Applicant is Cary Berman. Cary Berman is a law abiding U.S. citizen living at 1917 Lafayette Rd., Gladwyne, Pa. 19035. Applicant is not represented by council and represents himself pro se.

Applicant believes that it should receive registration and approval to utilize Application Serial No. : 78/320850 for the Mark ENYCE filed in International Class 12 on October 30, 2003 and Published for opposition on August 24, 2004.

According to published reports (one of which is attached hereto as Exhibit "A") Opposer has decided to discontinue it's use of it's Mark that it has sited in this case.

Opposer's position in this matter should change dramatically as Opposer does not plan to continue to use it's Mark.

Opposer offers affirmation of the fact that it's Mark is not a well known Mark by stating that it does not wish to continue using said Mark.

Confusion between the Marks will not exist as Opposer will not be producing merchandise with it's Mark.

Opposer did not want to waste any additional money necessary to file said mark on other product categories such as the one in question here because it did not consider it's Mark to have any value.

Opposer will abandon it's Mark for lack of use and to not pay additional filing fees.

Applicant wishes to thank the Board for considering this new information and therefore respectfully asks that the Board grant registration and approval to utilize Application Serial No. : 78/320850 for the Mark ENYCE to Applicant.

SUBMITTED this 19th day of July, 2007.

CARY BRETT BERMAN



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Claiborne Seeks to Shed 16 Apparel Brands

By RACHEL DODES

July 11, 2007; Page B1

Liz Claiborne Inc. is cleaning out its closet.

The long-acquisitive American sportswear maker, suffering from a downturn in department-store sales, announced today that it's seeking to divest itself of 16 of its 36 apparel brands representing \$800 million of its \$5 billion in annual revenue.

The move, seven months after Chief Executive William McComb joined the company from Johnson & Johnson, marks a bold reversal of the strategy that Claiborne and most of its competitors in the U.S. apparel industry vigorously pursued for more than a decade: build big brand portfolios to hedge against unpredictable fashion cycles.

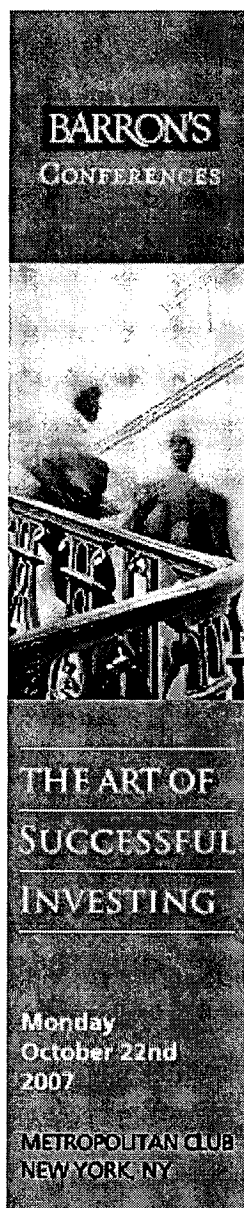
Although that strategy successfully boosted Claiborne's revenue, it had some unforeseen consequences. With each brand overseen by executives in up to five different divisions, "we had turned from a brand-centric merchandising culture to a culture of complexity management," says Mr. McComb, who was known at J&J for winning back market share for Tylenol pain reliever.

The 16 brands that Claiborne will try to sell or license out or possibly discontinue are Sigrid Olsen, Prana, Ellen Tracy, Dana Buchman, Mac & Jac, Kensie, Intuitions, C&C California, Enyce, Laundry, Tint, Stamp10, First Issue, Emma James, Tapemeasure and J.H. Collectibles.

The company has hired Centerview Partners, a boutique investment bank, to sell or license the brands to strategic or financial buyers. Depending on the outcome of that process, the results of which should be revealed by next year's second quarter, Claiborne could decide to keep some of the brands.

Liz Claiborne's downsizing underscores the pressure the U.S. apparel industry faces to reinvent itself in the wake of retail consolidation and changing consumer tastes. For years, Claiborne and competitors such as Jones Apparel Group Inc. and Kellwood Co. could rely on huge orders from department stores to make up the bulk of their sales. But traditional

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department stores have been closing as chains have consolidated, leaving mainstream brands with far fewer customers. That has led them to open branded boutiques, a business that requires more capital investment than simply selling goods to department stores.

Jones, faced with a similar problem, is considering what its chief executive calls "exit strategies" from some moderate apparel brands while selling its top-performing Barneys New York luxury store chain to focus on its core apparel and footwear business. In January, VF Corp. sold its lingerie business to Berkshire Hathaway Inc.'s Fruit of the Loom so it could devote more resources to faster-growing lifestyle brands like North Face and Nautica. Even specialty retailers are feeling the pinch. Limited Brands Inc. said this week that it is selling a stake in its namesake retail chain to a private equity firm to focus on its faster-growing Victoria's Secret and Bath & Body Works chains.

The shift is being driven partly by shoppers, who no longer want to wear matching ensembles from widely distributed labels and instead are seeking a more individualized look. The emergence of fast-paced specialty retailers like Spain's Zara, owned by Inditex SA, and Sweden's H&M, owned by Hennes & Mauritz AB, which can turn out new styles in a matter of weeks, has also made it harder for companies like Claiborne to compete.

In slashing Claiborne's portfolio, the 44-year-old Mr. McComb is betting that he can give up some revenue in the short term to devote more resources to a smaller number of brands, including the Lucky Brand denim label that he likes wearing to the office.

But the scale and scope of the potential divestitures will likely come as a surprise to analysts who had been expecting a few cuts, mostly of brands sold in department stores.

The 16 brands on Claiborne's hit list aren't necessarily its slowest growing, and grow within the time frame that the Street would need us to perform,"

Claiborne plans to double its spending on advertising for its Kate Spade, Lu of annual sales, in line with competitors like Coach Inc. To further reduce in track customers' buying patterns, the company plans to open 300 more of its commerce operations. Claiborne is also developing ways to shorten the time more quickly to consumer demand for particular styles.


At the same time, Claiborne plans to trim \$190 million in annual expenses (savings plan, Claiborne will cut 7% to 9% of its nonretail work force, or ab investors can expect to see improvements in the company's results in 2008.

Mr. McComb has already taken steps to create a new management structure "group presidents," hired a new chief financial officer with expertise in dive

-- retail, called "Direct Brands," and wholesale, called "Partnered Brands." intended to bring "focus, energy and clarity" to the company.


Sidewalk Sale

Some of the brands that Claiborne will try to sell, license or possibly discontinue include:



- C&C California
- Dana Buchman
- Ellen Tracy
- Emma James
- Enyce
- J.H. Collectibles
- Kensie

- Laundry (dress, right)
- Mac & Jac
- Prana
- Sigrid Olsen (tote, left)
- Tapemeasure



Source: WSJ research
Photos: MCT/Landov

running the business, says she expects to have more control over the image

The company also announced another key executive appointment, naming I Converse apparel unit, executive vice president of the wholesale division. I was to have run that unit, but she left the company yesterday to become chi

The company is in final negotiations with a retail executive to fill the chief close to the company said. Ms. Spade and her husband, Andy, are expected expires this month but may take on a consulting role.

With the planned divestitures, Mr. McComb is staking his reputation on un predecessor, Paul Charron.

Under Mr. Charron, who is credited with turning the company into a model acquired more than a dozen new labels. By buying emerging brands and pl the former VF executive hoped to help them grow without interfering in the

During Mr. Charron's tenure as Claiborne's CEO, which began in 1995 and ended late last year, the company's revenue ballooned to \$5 billion from \$2.1 billion. But the growth wasn't accompanied by increased efficiency. Operating margins have eroded recently, from 11.1% in 2003 to 8.7% last year, when net income declined for the first time in six years. In this year's first quarter, the company reported a 65% decline in net income, marking a rough beginning for Mr. McComb.

Founded in 1976 by designer Liz Claiborne (who died last month), her husband and two business associates with an initial investment of \$250,000, the company made sportswear



that struck a chord among women, who at the time were entering the work force in droves. By 1981, when the company went public, it was 16 million five years earlier.

The company didn't start advertising until 1991, when sales began to slow as other brands and specialty retailers like Gap and Ann Taylor. "What happened was a gloomy letter in the company's 1994 annual report. "Very simply, our consi

Mr. McComb now faces a landscape that is shifting again. Department store brands at the expense of traditional labels like the company's namesake Liz Claiborne's Inc. came from private-label brands, compared with 15% in 2005.

Faced with competition from moderate chains like J.C. Penney Co. and Kohl's market, and away from traditional brands like Liz Claiborne. Although Clai initiative last year -- adding a new creative director, a new ad campaign and expected.

Claiborne is now bracing for the possibility that its namesake label could be something we want to see happen, but it is something we have to prepare for

Last year, the company inked an exclusive deal with Penney to produce clothing label. Although the brand is only in its first season, executives say its apparel. McComb declined to reveal sales projections but said that sales of Liz & Co year targets in the brand's first year.

Write to Rachel Dodes at rachel.dodes@wsj.com

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